

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 15, 2002
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:06 a.m. The meeting was recessed by Mayor Murphy at 10:20 a.m. to convene the Housing Authority. Mayor Murphy reconvened the regular meeting at 10:27 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 11:47 a.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 11:52 a.m. with all Council Members present. The meeting was recessed by Mayor Murphy at 12:05 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:07 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 3:51 p.m. into Closed Session on Tuesday, January 22, 2002, at 9:00 a.m. in the twelfth floor conference room, to discuss anticipated and existing litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Fishkin (ek/pr)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on the law and the City Council, and that notable people of the past preferred to select Christians for public office. Mr. Stillwell also displayed the book entitled America's Godly Heritage.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A018-049.)

PUBLIC COMMENT-2:

Jarvis Ross commented on priorities by the City Council, and on seniors and disabled persons being forced from their homes. Mr. Ross also commented on funding for undergrounding of utilities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A050-079.)

PUBLIC COMMENT-3:

Derek Staats commented on the influence of special-interest money and citizens' initiatives for campaigns.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A080-112.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Stevens commented on the Convention and Visitors industry and how it fared very well after September 11. Council Member Stevens noted that the City of San Diego did better than most cities in the U.S. in terms of the number of tourists visiting San Diego, their spending, and room occupancy. He stated that over \$1 million in transit occupancy tax came from those rooms to the City of San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A113-121.)

COUNCIL COMMENT-2:

Council Member Wear commented on the top 10 priorities for the City of San Diego. In response to Mr. Jarvis Ross' comment on the bay-to-bay study, Council Member Wear stated that four and a half years ago when he was looking at the entire Midway Community, he felt it was important to look beyond a bay-to-bay study to a redevelopment area that would include a smart-growth project. He noted that 87 percent of our property taxes collected would be kept in that area instead of in Sacramento, which would yield considerable funds, including 20 percent for low-mod set-aside. This project would include the traffic flow, eliminate the adult businesses and create more housing for seniors and others in that community. Council Member Wear stated that this could create a park linkage which would create a first-class community for San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A122-141.)

COUNCIL COMMENT-3:

Mayor Murphy commented that last Friday Council Member Maienschein, Council Member Peters and he, participated in the groundbreaking for the completion of Vista Sorrento Parkway which is a road that parallels I-5 and I-805 to the east which allows local traffic to bypass the I-5 and I-805 merge, which is one of the worst traffic-congestion bottlenecks. Mayor Murphy stated that the construction of this road is being accelerated by two years.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A142-153.)

COUNCIL COMMENT-4:

Comment by Council Member Peters wishing to introduce the Spreckles Brownie Troop number 3045. Council Member Peters informed Council that the Troop wrote letters to have traffic lights installed in front of their school; Spreckles Elementary on Stadium Street and Governor Drive. Council Member Peters stated they would be able to grant that request this coming March.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: D015-D050.)

CITY ATTORNEY COMMENT:

None.

CITY MANAGER COMMENT:

The City Manager commented that the Governor of California presented the state budget for FY 2003, along with some changes in the budget. The City Manager said that the Governor pointed out there is a \$12.5 billion shortfall and how it would be addressed. The City Manager stated that he will provide a memo for the City Council this week, drafted by the Director of Intergovernmental Relations, regarding a summary of the budget proposal by the Governor. In addition, the City Manager stated he would provide the mid-year budget report by either January 28th or mid February for the City and indicate what the impact has been as it relates to sales tax, property tax, transit-occupancy tax and the general revenues for the City.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A154-269.)

ITEM-330: La Jolla Mobil Carwash.

Matter of the appeal by the La Jolla Shores Association from the decision of the Planning Commission in approving the request for a Coastal Development Permit and Site Development Permit No. 41-0161 for a 648 square-foot car wash facility to operate between 7:00 a.m. and 10:00 p.m. on a 0.70 acre site previously developed with a gasoline service station with a mini-mart and undeveloped pad for a future restaurant, located within the 'V' (visitor) zone of the La Jolla Shores Planned District and addressed as 2204 Torrey Pines Road at the intersection with La Jolla Shores Drive.

(CDP/SDP-41-0161. La Jolla Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in Subitem A and adopt the resolution in Subitem B to deny the appeal and grant the permit:

Subitem-A: (R-2002-) ADOPTED AS RESOLUTION R-295959

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration (MND) LDR No. 41-0161 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said MND has been reviewed and considered by the Council and reflects the independent judgment of the City of San Diego as Lead Agency; stating for the record that the final MND has been reviewed and considered by the Council prior to approving the project; and adopting the Mitigation Monitoring and Reporting program pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2002-) DENIED APPEAL, GRANTED PERMIT AS AMENDED,
ADOPTED AS RESOLUTION R-295960

Adoption of a Resolution granting or denying the appeal and granting or denying Coastal Development/Site Development Permit No. 41-0161, amending Coastal Development and La Jolla Shores Planned District Permit No. 96-0112, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on November 1, 2001, voted 5 - 1 to approve; was opposition.

Ayes: Stryker, Butler, Anderson, Brown, Garcia

Nays: Lettieri

Not present: Schultz

The La Jolla Community Planning Association, on September 2001, voted 6-2-2 to recommend denial of the project.

The following community group has taken a position on the item:

The La Jolla Shores Planned District Advisory Board, on October 16, 2001, voted 4-1, to approve the project.

CITY MANAGER SUPPORTING INFORMATION:

BACKGROUND

The subject property is a 0.70 acre site located on the easterly side of the intersection of La Jolla Shores Drive and Torrey Pines Road within the 'V' Visitor use zone of the La Jolla Shores Planned District which is encompassed by the La Jolla Community Plan. The site had long been occupied by a gasoline service station and sit-down restaurant prior to being redeveloped in 1997, with a new gasoline service station with no service bays, a new mini-mart facility and a graded pad for a future 2,735 square-foot sit-down restaurant. The project site is accessible by two driveways each from the adjoining streets. Ardath Lane is a paper street adjoining the east property line with no physical connections to either Torrey Pines Road or La Jolla Shores Drive. Portions of this dedicated right-of-way are utilized for parking and on-site circulation. The existing development provides parking in excess of the minimum required for the gasoline station and future restaurant and free parking within the La Jolla Shores Drive right-of-way and on Ardath Lane. The site was fully landscaped and is being properly maintained by the permittees.

DISCUSSION

Community Plan Context - The La Jolla Shores Precise Plan, in the 'Shores Center and Other Commercial Development' section, specifies that the subject 0.70 acre site, "... continue to serve the community's auto-visitor oriented commercial needs." The La Jolla Shores Planned

District Ordinance specifically permits a gasoline service station on this one particular site in addition to any other permitted uses of the Visitor 'V' zone.

Project Analysis - The permittees propose to add an automated carwash facility to the project site which will be 648 square-feet in size, 22-feet in height, and having a stucco finish with precast concrete door trim and a simulated stone finish. Roofing will be concrete roof tiles. The addition of the carwash will displace 1,085 square-feet of existing landscaping to be replaced by 1,115 square-feet of new landscaping. The carwash will be located on the southeastern portion of the lot with access from the gasoline pump area by driveway between the mini-mart and restaurant pad to the carwash entry behind the mini-mart area. The most easterly existing driveway on Torrey Pines Road will be converted from an entry/exit driveway to an exit only for the carwash patrons.

Impacts from the carwash facility have been identified for the areas of water quality and noise. The Mitigation Monitoring and Reporting Program requires that no water be discharged into the City's storm drains. The system is designed to reuse 50% of water after filtering out solids and pollutants and discharge 50% of water used into the sewer system. Captured pollutants and solids will be collected and discharged at an appropriate waste facility. A noise analysis for the same type of equipment to be used at this site was completed and shows that the facility would not exceed sound level limits contained in the Municipal Code.

There has been discussion as to whether a carwash is a 'stand alone' commercial use or an accessory to the service station and if the carwash is a 'drive-in/drive thru' use and not permitted by the applicable land use regulations. City staff and the City Attorney have found that the carwash facilities may be separate commercial uses offering full service car washes and auto detailing services or as an accessory use to a gasoline service station where discounted car washes are offered based on gasoline sales and the washes are generally fully automated, self contained and wash one car at a time. The car wash being proposed would be an accessory use to the existing gasoline service station. The Visitor 'V' zone has no specific language addressing drive-ins/drive-thrus while the Commercial Center 'CC' zone forbids only drive-in and drive-thru restaurants only.

Again, City staff and the City Attorney are in agreement that the proposed carwash facility is not a drive-in/drive-thru, which is an option for some forms of restaurants but is a basic intrinsic feature of a carwash, whether it be full service or fully automated and self service.

City staff has determined that the proposed addition of the 648 square-foot carwash facility as an accessory use to the existing gasoline service station, with the consideration of the site design, circulation and restoration of landscaping, complies with all adopted plans and development regulations and is therefore recommended for approval.

FISCAL IMPACT:

All costs associated with the processing of this application are recovered from a deposit account maintained by the applicant.

Ewell/Christiansen/RMK

LEGAL DESCRIPTION:

The project site is located at 2204 Torrey Pines Road, at the Torrey Pines Road/La Jolla Shores Drive intersection, within the La Jolla Community Planning area and is more particularly described as Lot 1286 of the Pueblo Lands of San Diego.

FILE LOCATION: SUBITEMS A & B: PERM-41-0161 (65)

COUNCIL ACTION: (Tape location: C242-260; D060-F225.)

Hearing began at 11:53 a.m. and recessed at 12:05 p.m.

Hearing resumed at 2:10 p.m. and halted at 3:51 p.m.

Testimony in opposition by Susan Goolin, Sherri Lightner, Gail Forbes, Betty Morrison, and Marvin Cohen.

Testimony in favor by Ken Assi, Kayuon Agahnia, Kambig Agahnia, Tony Casarez, Ben Badiie, Barbara Cohon, Shelia Nellis, Angela Brannon, and Kourosh Hangafarin.

MOTION BY PETERS TO DENY THE APPEAL AND TO GRANT THE PERMIT AS AMENDED WITH DIRECTIONS AS FOLLOWS:

1. DO NOT DISPLAY THE SIGN THAT HAS THE ONE BLANK PANEL UNTIL DENNY'S RESTAURANT BEGINS OPERATION.
2. TO ELIMINATE THE CARWASH SIGN FROM THE EXIT AND THE SIDE FACING THE HOTEL.
3. TO PROVIDE LANDSCAPE SCREENING ON THE BLANK WALL ON THE WEST FACING SIDE OF THE FACILITY.

Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY PETERS TO OPERATE THE CAR WASH FACILITY BETWEEN THE HOURS OF 7:00 A.M. AND 9:00 P.M. Second by Wear. Passed by the following vote: Peters-yea, Wear-nay, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-nay, Inzunza-nay, Mayor Murphy-yea.

ITEM-331: Ocean Beach Cottage Emerging Historical District - Phase II.

Matter of the appeal by Andrea Savage, owner of 4976 Muir Avenue, from the decision of the Historical Resources Board in approving the historical site designation of property located at 4976 Muir Avenue.

(Ocean Beach Community Plan area. District-2.)

TODAY'S ACTION IS:

(R-2002-) APPEAL GRANTED, OVERTURNING THE DECISION OF THE HISTORICAL RESOURCES BOARD; ADOPTED AS RESOLUTION R-295953

A motion either granting or denying the appeal and upholding or overturning the action of the Historical Resources Board.

CITY MANAGER'S RECOMMENDATION:

Grant the appeal of Andrea Savage and overturn the decision of the Historical Resources Board in designating the Beach Cottage located at 4976 Muir Avenue in Ocean Beach.

OTHER RECOMMENDATIONS:

Historical Resources Board on July 26, 2001, voted 13-0-0 to approve the building's designation.

Ayes: Riley, Ahern, Bishop, Christenson, Burnett, Furlong, Iseman, McNeely, Lipscomb, Sewell, Schwarz, Sherr, Sykes
Excused: Delawie, Malone

The Ocean Beach Planning Board and the Ocean Beach Historical Society have been notified of this item and supported the voluntary designations.

CITY MANAGER SUPPORTING INFORMATION:

Background

This item is before the City Council as an appeal of the Historical Resources Board (HRB) decision of July 26, 2001, to designate the 4976 Muir Avenue Beach Cottage site as a contributor historical site within the Ocean Beach Emerging Historical District. The appeal has been submitted by the owner of the site who no longer wishes to have the designation per the advice of local real estate professionals. The property is located at 4976 Muir Avenue, in the Ocean Beach Community, Council District 2.

San Diego Municipal Code Appeal Requirements

The San Diego Municipal Code Section 123.0203 provides for appeals to an HRB decision to designate a site historical within 10 business days following the HRB decision. Said decision may be appealed by an applicant, owner or interested person. The Code requires that the appeal be in writing, specifying wherein there was error in the decision of the HRB. The City Council may reject historical site designation based on:

- Factual errors in materials or information presented to the HRB.
- Violations of bylaws or hearing procedures.
- Presentation of new information.

Based on the Council's evaluation under the above criteria, the City Council may by resolution affirm, reverse, or modify the determination of the HRB and make written findings in support of its decision.

Appellant Request

The appellant to the historical site designation of the 4976 Muir Avenue site has submitted an appeal based on the fact that *"the owner no longer desires to designate this property as historic at the advice of two real estate professionals. They recommend the new owner apply."*

DISCUSSION

The discussion that follows addresses the appellant's information and the staff's evaluation of the appeal. The appeal has not been submitted based on any of the appeal standards established by the Code. However, the Historical Resources Board (HRB) Policy on Emerging Districts establishes a voluntary program of designations.

The Ocean Beach Emerging District is made up of 60 properties which have been volunteered for designation. At the time of the HRB hearing on this item, the owner of the 4976 Muir Avenue site had in fact volunteered the site, and it was hours after its designation that she decided to withdraw the site from designation. Had the owner appeared before the Board at the designation hearing to indicate her desire to withdraw the site, it would not have been designated.

The appeal submitted has not identified any additional information that was not available at the HRB hearing, other than hearsay information from two real estate professionals who believe that designation would be detrimental to the property's marketing. This issue is often subject to divergent opinions, because there are real estate professionals on both sides of the issue. The real outcome depends on what the owner is willing to do with the property. An issue identified by the owner relates to the perceived limitations on the type of surface material that may be available to restore the building by future owners. This concern relates to the use of U.S. Secretary of Interior Standards. These standards are in fact rather flexible and would not require owners to restore buildings with materials that are no longer available, but may require owners to use similar materials and colors in any restoration.

Historical Resources Board Designation

At the Historical Resources Board hearing, the site was designated as a historic site by a vote of 13 votes in favor and zero opposed, based on the following factual information:

1. The applicant's historical report dated June 2001 and prepared by the Ocean Beach Historical Society.
2. The staff report dated July 2001.
3. A field check of the property.
4. Photographs submitted by both staff and the owner/developer's historical consultant.

5. Public testimony by representatives of Ocean Beach Planning Board and Historical Society.
6. Public testimony from other members of the public.
7. All owners were issued notices of the upcoming hearing as required by the Code.

The HRB (13 members) majority voted in support of the designation based on their evaluation of the above and the lack of opposition from any persons, including the owner of the property in question.

CONCLUSION

It is the staff's conclusion that the site is an excellent example of Craftsman Beach Cottage architectural style, built 60 years ago. The building has weathered its age well, and is in good condition. The Emerging District provisions establishing that only volunteered sites be considered and designated by the Board during the district's evolution stage, dictate that the designation be lifted, since the owner no longer supports designation.

FISCAL IMPACT: None.

Ewell/Goldberg/ALA

FILE LOCATION: GEN'L-Historical Resources Board Decisions and Appeals,
Ocean Beach Cottage Emerging Historical District - Phase
II (05)

COUNCIL ACTION: (Tape location: A300-310.)

Hearing began at 10:29 a.m. and halted at 10:30 a.m.

MOTION BY WEAR TO ADOPT, GRANTING THE APPEAL AND OVERTURNING
THE DECISION OF THE HISTORICAL RESOURCES BOARD. Second by Atkins.
Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea,
Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Parcel Map and Unnamed Alley Vacation.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-782 Cor. Copy) CONTINUED TO TUESDAY, JANUARY 22, 2002,
WITH DIRECTION TO THE CITY MANAGER

Approving and accepting Parcel Map I.D. No. 99-948, being a consolidation of Olmstead's Subdivision according to map thereof No. 709; Lots 4, 5, and a portion of Lot 3 in Block 16 of Gardner's Addition according to map thereof No. 68; portions of Lots I, J, K, and L in Block 179 of Horton's Addition made by L. L. Lockling according to map thereof No. 369; together with those portions of 14th Street, 15th Street, C Street, Broadway, and the unnamed alley as dedicated to public use all in the City of San Diego, County of San Diego, State of California is made in the manner and form prescribed by law and conforms to the surrounding surveys;

Vacating the unnamed alley granted to the City of San Diego per map No. 68, recorded September 2, 1870, pursuant to section 66445 (j) of the State Subdivision Map Act.

CITY MANAGER SUPPORTING INFORMATION:

This parcel map is part of a redevelopment project being coordinated by the Centre City Development Corporation. This parcel map consolidates six existing lots of a 2.575 acre site into 1 parcel for future residential development. The project is located between C St. and Broadway, 14th Street and 15th Street in the Centre City Community Plan area. The parcel map requires City Council approval because a portion of an unnamed alley is being vacated using the map. The unnamed alley was granted at no cost to the City of San Diego on Map No. 68, recorded September 2, 1870. The portion of the alley being vacated is no longer needed for access or public utilities. There are no new public improvements required in connection with the approval of this map. Staff has determined that the project is consistent with all previously approved permits. This parcel map creates one new parcel in preparation for future development of the site. There are no park fees required in connection with this parcel map and the Council's

approval of it will not generate an increase in the average daily trips within the neighborhood. Traffic issues will be considered during the design of the future project.

FISCAL IMPACT:

None.

Loveland/Haase/GRB

NOTE: This activity is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15268(b)(3).

FILE LOCATION: PARCEL MAP NO. 99-948 (40)

COUNCIL ACTION: (Tape location: A311-B043.)

Motion by Wear to adopt. Second by Madaffer. Second withdrawn by Madaffer.

MOTION BY MADAFFER TO CONTINUE TO TUESDAY, JANUARY 22, 2002, WITH DIRECTIONS TO THE CITY MANAGER THAT THE MATERIAL PRESENTED TO COUNCIL SHOULD MENTION THE PROJECT NAME, NOT JUST WHAT AGENCY IS COORDINATING THE PROJECT. THIS PROJECT SHOULD BE RENOTICED AND REISSUED. THE CITY MANAGER SHOULD REQUIRE THAT ACCURATE INFORMATION BE PRESENTED SO THAT THERE CAN BE AN ACADEMIC DISCUSSION NEXT WEEK. IN THE FUTURE, PROJECTS THAT COME BEFORE THE CITY COUNCIL SHOULD NOT BE PRESENTED IN A PIECEMEAL MANNER FOR COUNCIL TO CONSIDER BUT, RATHER, THEY SHOULD DEMONSTRATE HOW PROJECTS FIT IN FROM THE STANDPOINT OF A CITYWIDE PERSPECTIVE. THIS WILL ALLOW COUNCIL MEMBERS TO EVALUATE THESE PROJECTS IN A WAY THAT IS FAIR, PARTICULARLY AS TO HOW IT IMPACTS PEOPLE WHO ARE ALREADY IN THAT AREA, AND THIS WOULD BE MUCH MORE HELPFUL THAN LOOKING AT IT FROM A VERY NARROW SCOPE. CONSIDER LOOKING AT WHAT KIND OF AUTHORITY THE CITY COUNCIL WANTS IN TERMS OF INPUT REGARDING THE EARLY PHASES OF PROJECTS AND HAVING THE CITY DEAL WITH THIS. CONSIDER WHETHER IT IS APPROPRIATE FOR CCDC OR THE FAST-TRACK PROCESS TO HANDLE THESE PROJECTS. IN SOME CASES, COUNCIL SHOULD BE IN CHARGE OF PLANNING MATTERS WHEN IT PERTAINS TO, FOR EXAMPLE, THE LIBRARY, BALLPARK, LIGHTING ISSUES, UNDERGROUNDING, WHETHER WE ARE GOING TO HAVE 15 FEET OF

SIDEWALK OR 5 FEET OF SIDEWALK, WHETHER OR NOT BROADWAY BECOMES A CORRIDOR, WHETHER PARK AVENUE SHOULD COME THIS WAY, OR WHETHER THERE SHOULD BE A CORRIDOR ON 12TH AVENUE. CONSIDER WHETHER COUNCIL SHOULD DEAL WITH SOME OF THESE PLANNING ISSUES RATHER THAN CCDC. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-nay, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Torrey View Estates.

Matter of approving, conditionally approving, modifying or denying a request for a Vesting Tentative Map, Rezone, Site Development Permit and Planned Development Permit to subdivide an existing 11.85 acre residential property into eight lots of a minimum one acre each for future development of custom single family homes. The project site is located on the south side of Arroyo Sorrento Road between Tierra Del Sur and Arroyo Sorrento Place, in the Carmel Valley Community Plan area. The project proposes to rezone the property from AR-1-1 (Agricultural-Residential minimum 10 acre lots) to AR-1-2 (Agricultural-Residential minimum 1 acre lots).

(VTM/PDP/SDP/RZ-40-0197. Carmel Valley Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A; adopt the resolution in subitem B to grant the map; adopt the resolution in subitem C to grant the permits; and introduce the ordinance in subitem D:

Subitem-A: (R-2002-) CONTINUED TO TUESDAY, JANUARY 29, 2002,
WITH DIRECTION TO THE CITY MANAGER

Adoption of a Resolution certifying that the information contained in Revised Mitigated Negative Declaration (MND) LDR No. 40-0197 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Revised MND has been reviewed and considered by the Council and reflects the independent judgement of the City of San Diego as Lead

Agency; stating for the record that the final Mitigated Negative Declaration has been reviewed and considered prior to approving the project; and adopting the Mitigation Monitoring and Reporting Program.

Subitem-B: (R-2002-) CONTINUED TO TUESDAY, JANUARY 29, 2002,
WITH DIRECTION TO THE CITY MANAGER

Adoption of a Resolution granting or denying Tentative Map No. 40-0197, with appropriate findings to support Council action.

Subitem-C: (R-2002-) CONTINUED TO TUESDAY, JANUARY 29, 2002,
WITH DIRECTION TO THE CITY MANAGER

Adoption of a Resolution granting or denying Planned Development Permit/Site Development Permit No. 40-0197, with appropriate findings to support Council action.

Subitem-D: (O-2002-) CONTINUED TO TUESDAY, JANUARY 29, 2002,
WITH DIRECTION TO THE CITY MANAGER

Introduction of an ordinance changing 11.85 acres located in the Carmel Valley Community Plan area, from the AR-1-1 to AR-1-2 zone.

OTHER RECOMMENDATIONS:

Planning Commission on November 15, 2001, voted 5-0-0 to recommend approval of the project as proposed and conditioned. The Planning Commission also directed staff to advise the City Council of their concern that the potential public connection from Arroyo Sorrento Road to the open space south of the project site would be lost with approval of this project because there is no mechanism for the City to require the applicant to provide such a connection; was opposition.

Ayes: Stryker, Garcia, Lettieri, Brown, Butler
Not present: Anderson, Schultz

The Carmel Valley Community Planning Board on February 15, 2001, voted 12-0-0 to submit a letter with their concerns and conditions of approval for the project. The project was redesigned by the applicant and now satisfies most of the Planning Board's concerns. Two issues remain: 1) the Planning Group has requested that pedestrian access be provided through the Torrey View Estates property to allow neighboring residents to

access the open space area immediately south of the project site. The applicant has not proposed such an access, nor is it a requirement of the City Land Development Code or the Carmel Valley Community Plan; and 2) the Planning Board requested that no more than two of the five proposed homes along Arroyo Sorrento Road would have “front loaded” garages, facing the street. The project as currently designed and conditioned does not require this, although a maximum 2-car width garage would be allowed along Arroyo Sorrento Road.

CITY MANAGER SUPPORTING INFORMATION:

BACKGROUND

The Torrey View Estates project proposes to subdivide an existing 11.85 acre residential property in the Carmel Valley Community Plan area into eight (8) lots of a minimum one acre each for future development of 8 custom single-family residences. The project site is located at 4049 Arroyo Sorrento Road on the south side of the road between Tierra Del Sur and Arroyo Sorrento Place. The property is currently zoned AR-1-1 (Agricultural-Residential, minimum 10 acre lots). The project proposes to rezone the property to AR-1-2 (Agricultural-Residential, minimum 1 acre lots) to allow the creation of the 8 proposed lots. On May 1, 1996, Hillside Review and Grading Review Permit No. 94-0277 was issued for the project site to allow development of a 5,000 square-foot, one-story single family home with swimming pool, plus 10,000 square-foot croquet court and garden area with a 750 square-foot gazebo. Grading has commenced under that permit, and the project site has also been used as a construction staging area for the adjacent project to the east (Torrey Woods Estates). An existing flood water storage easement and desiltation basin and access easement have been developed on site by the developer to the east, Torrey Pines Home Building Company, and shall be maintained by that developer. Other than these improvements, the project site is vacant.

As biological resource mitigation for Hillside Review Permit (HR) No. 94-0277, 4.11 acres of the site were to be dedicated as open space. However, only 3.75 acres were actually dedicated per the recorded easements. The proposed Torrey View Estates project would amend and rededicate a total of 4.11 acres into open space easement for biological resources mitigation on-site, as required.

Surrounding land uses include the residential development (Torrey Woods Estates) to the east, multi-family residential units to the south (Loma Sorrento), a single family home with horse corrals and greenhouse to the west, and vacant land to the north.

The project site contains steep slopes and sensitive habitats. A Site Development Permit is therefore required for the project in accordance with the Environmentally Sensitive Lands

Regulations. Access to three of the eight proposed lots would be via a gated private driveway off of Arroyo Sorrento Road. Due to the proposed frontage on the private driveway in lieu of a public right-of-way, a Planned Development Permit is required for the project.

PROJECT DESCRIPTION

The proposed Torrey View Estates project includes a request for a Vesting Tentative Map, Planned Development Permit, Site Development Permit and a Rezone from AR-1-1 to AR-1-2 to create eight (8) custom home lots of a minimum one acre in size each. The eight proposed lots range in size from 1.0 acres to 3.30 acres. Each lot would provide a minimum of four parking spaces on site. The proposed project includes Design Guidelines for development of the custom homes, which would range in size from 2,800 square feet to 6,500 square feet. The lots would be sold and developed separately, and there are no specific development proposals at this time. Design of the custom homes would be in accordance with the Design Guidelines. Conformance with the Design Guidelines would be determined by staff through a Substantial Conformance Review process prior to issuance of building permits, as required in the draft Permit. The Design Guidelines specify architectural characteristics and styles designed to ensure quality development that is compatible with the surrounding neighborhood and environmentally sensitive. Permitted architectural styles include French Country, Spanish Colonial, English Country, Italian, and Tuscan, as presented in the Design Guidelines.

Vehicular access to three of the eight lots (Lots 6-8) would be via a gated private driveway off of Arroyo Sorrento Road. The proposed gate is in compliance with Council Policy 600-42 for controlled access. Access to Lots 1-5 would be directly from Arroyo Sorrento Road and would be in conformance with the zone requirements.

Grading is proposed to create the custom home lots, in addition to grading that is already occurring pursuant to HR 94-0277. Currently, approximately 57% of the site has been disturbed by grading. An additional 7% of the site would be graded with the proposed project. Approximately 2,500 cubic yards of cut and 37,000 cubic yards of fill are proposed, with a net import amount of 34,500 cubic yards. Grading has been designed to minimize the impact to natural landforms and the custom home sites have been located so as to minimize the environmental and visual impact of the future homes. As a condition of the permit, the elevation of the pads along Arroyo Sorrento Road shall not be increased.

The proposed project includes an amendment and rededication to the City's open space preserve. As a condition of the previous HR No. 94-0277, a total of 4.11 acres of undisturbed land was to have been placed into three dedicated open space easements as mitigation for biological impacts of the approved single family project. However, only 3.747 acres of the site were actually

dedicated. To correct this situation, the currently proposed project would rededicate the open space easements to achieve the total required amount of 4.11 acres.

HOUSING AFFORDABILITY IMPACT: The proposed residential project is not required to provide an affordable housing component due to its location within a "planned urbanizing" rather than a "future urbanizing" community. Other issues related to housing affordability such as demolition of rental housing are not applicable to the vacant property and relatively small number of market-rate dwelling units proposed.

TRAFFIC IMPACT: The Torrey View Estates project is estimated to generate approximately 80 average daily trips (ADT). Twenty (20) of these trips are estimated to occur on Interstate 5 south of State Route 56, which has an estimated near-term volume of 262,020 ADT. Caltrans is planning to widen Interstate 5 to provide 10 additional lanes south of State Route 56 to be completed by 2004.

FISCAL IMPACT: None with this action.

Ewell/Christiansen/VLG

LEGAL DESCRIPTION:

The project site is located on the south side of Arroyo Sorrento Road between Tierra Del Sur and Arroyo Sorrento Place, in the Carmel Valley Community Plan area and is more particularly described as Lot 6 of Sorrento Estates, Map 8735, in the City of San Diego, County of San Diego.

FILE LOCATION: PERM-40-0197 (65)

COUNCIL ACTION: (Tape location: B044-C241.)

Hearing began at 10:50 a.m. and halted at 11:52 a.m.

MOTION BY PETERS TO CONTINUE THE ITEM TO TUESDAY, JANUARY 29, 2002 IN ORDER TO HEAR FROM DEVELOPERS, PERSONS INTERESTED IN THE PEDESTRIAN AND HORSE TRAILS, AND THE CARMEL VALLEY PLANNERS GROUP. ACCEPT COUNCIL MEMBER FRYE'S DIRECTION TO THE CITY MANAGER THAT DOCUMENTATION BE OBTAINED TO SUPPORT THE FACT THAT VIOLATION ISSUES HAVE BEEN RESOLVED. IT WAS REQUESTED THAT A COPY OF THE STORM WATER POLLUTION PREVENTION PLAN FOR ANY PART OF THIS PROJECT BE INCLUDED IN

ENVIRONMENTAL REVIEWS PRIOR TO ISSUING GRADING PERMITS. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-334: Amendment to the City of San Diego Non-Disposal Facility Element.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-668) ADOPTED AS RESOLUTION R-295954

Approving the 4th Amendment to the Non-Disposal Facility Element, prepared by the City of San Diego's Environmental Services Department, dated January 2002.

CITY MANAGER SUPPORTING INFORMATION:

The preparation of a Non-Disposal Facility Element (NDFE) is required by State Law (Public Resources Code section 41730 et. seq.). NDFEs are intended to be planning tools for waste reduction efforts. They play no regulatory role to protect public health or safety, nor are they components in local land use decisions. The proposed amendment would increase the effectiveness of the City of San Diego's NDFE as a planning document for waste reduction by streamlining the permit process for facilities that divert waste generated in the City from disposal. The City's original NDFE was prepared and approved in 1994. Amendments to the NDFE must go through a process that includes consideration by San Diego Association of Governments (SANDAG), serving as the Local Task Force (LTF) advising local governments in San Diego County on compliance with the Integrated Waste Management Act (Public Resource Code Sections 40000 to 41904). SANDAG provides comments to the City Council. Following Council approval, NDFE amendments are docketed at a California Integrated Waste Management Board (CIWMB) hearing in Sacramento, unless the amendment is for a facility diverting less than five percent of its throughput to beneficial use. Amendments to the City's NDFE have been made three times because the CIWMB has required a separate NDFE amendment to process solid waste or composting permits for new or modified facilities. This requirement to amend the NDFE has delayed important waste diversion projects. This fourth amendment of the NDFE is intended to streamline the permitting process for facilities diverting waste from disposal. By broadly defining existing and proposed facilities, the City would in

many cases exempt facilities that divert waste from the formal NDFE amendment requirements. For example, expansion of a composting or recycling facility to process additional tonnages, expand acreage, or include new materials in its process would not require an amendment to this document. The expansion would, however, have to go through normal land use and Local Enforcement Agency review and permitting. The LTF has reviewed this fourth amendment of the NDFE and in a letter to the City Manager recommends approval.

FISCAL IMPACT:

None. An impact occurred when the original requirement to prepare the NDFE was approved by the State legislature in 1992. This requirement is now part of the budgeted work product of the Environmental Services Department. The proposed amendment would reduce the number of times this document would need to be reviewed by City Council, and so would reduce City costs.

Loveland/Hays/LFW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A294-299.)

Hearing began at 10:27 a.m. and halted at 10:28 a.m.

MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-335: Supplemental Multifamily Housing Revenue Bonds to Complete Construction of Hollywood Palms Apartments.

(See San Diego Housing Commission Report HCR01-138. City Heights Community Area. District-3.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-869) ADOPTED AS RESOLUTION R-295955

Approving the issuance of not to exceed \$1,500,000 Multifamily Housing Revenue Bonds by the Housing Authority of the City of San Diego for the Hollywood Palms Apartments pursuant to Section 147(f) of the Internal Revenue Code of 1986.

NOTE: See the Housing Authority Agenda of January 15, 2002 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A283-293.)

Hearing began at 10:27 a.m. and halted at 10:28 a.m.

MOTION BY ATKINS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-336: Two actions related to Issuance of Multifamily Revenue Bonds for Two Projects Within New Planning Sub-Areas of the North City.

(See Housing Authority Report HAR02-001. Pacific Highlands Ranch (Subarea III) and Torrey Highlands (Subarea IV) Community Areas. District-1.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-867) ADOPTED AS RESOLUTION R-295956

Approving the issuance of not to exceed \$2,300,000 of Multifamily Housing Revenue Bonds by the Housing Authority of the City of San Diego for the Villa Glen Apartments, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

Subitem-B: (R-2002-868) ADOPTED AS RESOLUTION R-295957

Approving the issuance of not to exceed \$2,500,000 of Multifamily Housing Revenue Bonds by the Housing Authority of the City of San Diego for the Villa Andalucia Apartments, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

NOTE: See the Housing Authority Agenda of January 15, 2002 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A275-282.)

Hearing began at 10:27 a.m. and halted at 10:28 a.m.

MOTION BY ATKINS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-337: Use of Low-Income Housing Capital Outlay Funds for Site Repairs.

(See San Diego Housing Commission Report HCR01-137. District-2.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-883) ADOPTED AS RESOLUTION R-295958

Approving the use of Low-Income Housing Capital Outlay Funds in the amount of \$48,549 for the repair and replacement of stairways and landings at the family housing development located at 3222 Camulos Street, as more particularly described in Housing Commission Report No. HCR01-137.

NOTE: See the Housing Authority Agenda of January 15, 2002 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A270-274.)

Hearing began at 10:27 a.m. and halted at 10:28 a.m.

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:51 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F225.)